the current SQM is reported. At the time KCI submitted its final reports, BellSouth notes that it had satisfied 401 of 420 data integrity test criteria, with most of the remaining criteria being adjudged as not complete. KCI currently is conducting a supplemental audit of BellSouth's performance metrics to address those measures that have been added or changed since the first audit. *Id. at* ¶¶ 26-27.

Finally, BellSouth notes that an independent auditor will audit BellSouth's performance data annually pursuant to this Commission's orders in Docket No. 7892-U. According to BellSouth, these audits will continue to ensure the integrity of BellSouth's performance data. *Id. at* ¶ 28.

(e) UNE Combinations

BellSouth asserts that it provides access to unbundled network elements in a manner that allows requesting carriers to access combinations of network elements as well as to combine unbundled network elements for themselves, consistent with requirements of the FCC and this Commission. *Milner Affidavit*, ¶ 67; *SWBT-KA/OK Order*, ¶ 171. BellSouth provides CLECs with a variety of means by which CLECs may combine network elements, including collocation and assembly point arrangements. *Milner Affidavit*, ¶ 67. In addition, in accordance with the Commission's order in Docket No. 10692-U, BellSouth provides combinations of network elements that are ordinarily combined in BellSouth's network and will not separate requested network elements where such elements are physically combined and providing services to a particular location, unless requested to do so. SGAT, § II.E.3.

BellSouth notes that it has implemented electronic ordering capability for the loop-port combination. This capability first became available with flow through for

AT&T in March 1998. *Stacy-OSS Affidavit*, ¶ 179. In February 1999, BellSouth implemented the electronic ordering and flow-through of loop-port combinations for all CLECs. CLECs can use EDI, TAG or LENS to order this combination. *Id.*

According to BellSouth, CLECs order other combinations of network elements manually. For example, the process for ordering combinations of unbundled loops and transport network elements, commonly referred to as an Extended Enhanced Loop ("EEL"), is the same as for any designed service using the manual ordering process. *Ainsworth Affidavit*, ¶ 113. In order to convert special access facilities to EELs, the CLEC must self-certify that it is providing a significant amount of local exchange traffic over the loop/transport combination. BellSouth asserts that it does not make auditing a precondition to converting special access to UNEs, although BellSouth reserves the right to audit the CLEC's records to verify the type of traffic being transmitted over the loop/transport network element combination. If, based on the audit, BellSouth concludes that a CLEC is not providing a significant amount of local traffic over the facilities, BellSouth may file a complaint with the appropriate regulatory authority. SGAT, § II.E.3.

(3)   CLEC Comments

(a)   Nondiscriminatory Access to OSS

CLECs raise a number of issues concerning whether BellSouth is providing nondiscriminatory access to its OSS. Several CLECs complain that BellSouth's electronic interfaces are often down and express concern that the interfaces may not be able to process increasing volumes of orders. *See, e.g., Davis Affidavit* ¶ 11; *Conquest Reply Affidavit*, Exh. 1. For example, Access Integrated states that it experienced

numerous outages from November 1, 2000 through May 25, 2001. *Access Integrated Comments*, Exs. M, 1. AT&T contends that BellSouth fails to receive LSRs because of OSS unavailability due to unexpected downtime, extended maintenance, and restricted processing hours. *Beck Affidavit* ¶¶ 18-25. AT&T suggests that BellSouth often keeps the EDI system offline beyond the typical maintenance periods without notification or permission and that BellSouth's use of weekends to conduct maintenance interferes with AT&T Broadband's busiest install period. *Beck Affidavit,* ¶¶ 22-23. Furthermore, AT&T claims BellSouth automatically shuts down its EDI system for processing each day between 9 p.m. and midnight, although BellSouth tells AT&T that EDI will be available 24/7 except for routine maintenance. Requests entered during that time are rejected due to "submission" date errors. *Beck Affidavit,* ¶¶ 24-25.

AT&T suggests that BellSouth's ENCORE system lacks sufficient capacity to process projected order volumes and that EDI continues to suffer outages and delays. AT&T asserts that EDI has experienced over 20 outages since April 2001 and that LENS is unstable. *Bradbury Affidavit* ¶ 79-80; *Seigler Affidavit* ¶¶ 40-43. WorldCom expresses concern that BellSouth's OSS is not yet operationally ready to accept commercial volumes of UNE-P orders, claiming that 365 of its orders were erroneously rejected purportedly because of sporadic shutdowns of back office systems. *Lichtenberg Affidavit* ¶¶ 3-7.

CLECs also complain about the extent to which BellSouth provides assistance to CLECs. AT&T states that LCSC incoming call hold times do not meet the SQM standard and that BellSouth provides CLECs with "second class" customer support in that answering times for CLECs have been at least three times longer than what

BellSouth provides its retail business customers. *Bradbury Affidavit* ¶¶ 39-40; *Beck Affidavit* ¶¶ 37-38. Covad Communications, Inc. ("Covad") also asserts that BellSouth has failed to develop step-by-step supporting documentation to explain sufficiently the unique inputs necessary to order an xDSL loop via LENS and that because KCI test did not test LENS, there is no evidence to support the conclusion that BellSouth has met its obligation to provide functional, operationally ready OSS for CLECs. *Davis Affidavit* ¶¶ 12-14.

(i)   Pre-ordering functions

AT&T makes a number of claims regarding BellSouth's pre-ordering OSS. First, AT&T alleges that BellSouth does not provide CLECs with parsed Customer Service Record ("CSR") data and fails to supply data to CLECs in a way that would allow them to parse CSR data themselves. *Bradbury Affidavit*, ¶¶ 24-25. Specifically, AT&T contends that BellSouth does not provide CLECs with parsed CSR data with delimiters and the business rules by which BellSouth applies the delimiters. AT&T states that CLECs requested parsed CSRs in September 1998, and that although the original target date for implementation was April 2000, BellSouth's current estimate indicates that parsed CSRs will not be available until January 14, 2002. *Bradbury Affidavit*, ¶¶ 25 & 28. AT&T also suggests that the size and format of certain CLEC ordering interfaces are not compatible with CSRs. As a result, according to AT&T, CLECs cannot electronically populate the LSR but must manually parse and input the data. *Bradbury Affidavit*, ¶ 26.

Second, AT&T contends that BellSouth's assignment of due dates continues to suffer from the same deficiencies previously identified by the FCC, namely the alleged

lack of parity due date calculation in the pre-ordering interface and delays allegedly caused by BellSouth's extensive reliance upon manual processing. *Bradbury Affidavit,* ¶¶ 30-32. AT&T expresses concern about the response time for CSR inquiries, which, according to AT&T, takes an average of 12 seconds. AT&T states that BellSouth has implicitly conceded that such response time is excessive and that KCI identified this as an area of concern. *Bradbury Affidavit,* ¶¶ 36-37. In addition, AT&T contends that KCI has not retested BellSouth's current OSS to ascertain whether the change request, as implemented, has corrected the deficiency in the pre-order due date calculator noted during the third-party testing. *Bradbury Affidavi,t* ¶ 31.

WorldCom also complains that it does not have access to the electronic system BellSouth representatives use to determine a customer's special access number ("SAN"), and asserts that BellSouth will not provide updated lists. WorldCom states that BellSouth's suggestions of obtaining customers' SANs through a manual lookup, from FOCs, or through LENS are impractical, particularly for large commercial volumes of orders. WorldCom states that it should not be required to go through the change control process to get a better mode of access to SANs. *Lichtenberg Affidavit,* ¶¶ 11-16.

(ii)   Ordering Functions

CLECs raise numerous issues regarding BellSouth's ability to process CLEC orders. AT&T contends that in a significant percentage of cases, BellSouth does not comply with the interconnection agreement's requirement that BellSouth respond to LSRs within 24 hours of submission. *Beck Affidavit,* ¶ 28. AT&T also claims that in March 2001, more than 70,000 electronic CLEC LSRs fell out for manual processing allegedly because of BellSouth system design or system errors. *Bradbury Affidavit,* ¶ 32.

AT&T makes two claims regarding BellSouth's processing of FOCs. AT&T asserts that BellSouth failed to return FOCs in a timely manner in March and April 2001 – an assertion echoed by NewSouth, which claims that it failed to receive FOCs within 24 hours on approximately 20% of its orders in February 2001. *Berger Affidavit*, ¶¶ 22-23; *Fury Affidavit*, ¶ 27. AT&T also argues that BellSouth unilaterally changed the business rules for FOCs to exclude non-business hours and suggests that BellSouth should be required to check the CFA before returning a FOC. *Bradbury Affidavit*, ¶¶ 65-66; *Berger Affidavit*, ¶¶ 25-26.

NewSouth argues that due to an EDI problem, a percentage of NewSouth FOCs cannot be related to the right order and that NewSouth must manually compare orders and FOCs. *Fury Affidavit*, ¶ 26. Birch Telecom of the South, Inc. ("Birch") asserts that the Commission should reevaluate the benchmark for FOCs and reject timeliness for partially mechanized orders, flow-through, and the Average Completion Interval measurement. *Birch Comments*, pp. 6-9.

CLECs also make several arguments regarding parity with respect to ordering. AT&T claims that the March 2001 data shows BellSouth "generally completes its own electronic orders in about half the time it takes BellSouth to complete CLEC electronic orders." *Bradbury Affidavit*, ¶¶ 75-77. NewSouth contends that an excessive number of its orders are placed in jeopardy, claiming that in January 2001, 18% of NewSouth's orders were placed in jeopardy while less than 3% of BellSouth's retail non-design orders went into jeopardy in the same period. NewSouth Comments, pp. 22-23. KMC Telecom, Inc. ("KMC") argues that BellSouth lost approximately 20% of the orders submitted by KMC in Augusta. *Weiss Affidavit*, ¶¶ 9-10.

CLECs raise several problems with the ordering of the UNE-P. NewSouth claims that it has experienced problems submitting mechanized orders for UNE-P with hunting and that BellSouth supplied NewSouth with incorrect USOCs to order UNE-P. *Fury Affidavit,* ¶¶ 23 and 38. NewSouth states that it began submitting UNE-P orders in November 2000 and argues that it experienced a high level of erroneous clarifications and inaccurate (or nonexistent) completion notices. NewSouth further claims that BellSouth provided it with inaccurate instructions concerning USOCs to use when submitting UNE-P orders. *NewSouth Comments,* pp. 16-17. AT&T contends that BellSouth's business rules do not specify which USOCs should be used to populate the requisite field on the LSR to reflect that UNE-P is a measured service and that there are inconsistencies in the use of certain fields for PBX and UNE-P orders. *Seigler Affidavit,* ¶¶ 27-30. In addition, AT&T asserts that a last minute change from "as is" to "as specified" for UNE-P orders added an inordinate number of steps to the ordering process. *Seigler Affidavit,* ¶ 31.

KMC, WorldCom, and AT&T allege problems exist with rejected orders. According to KMC, BellSouth drops approximately 20-30% of KMC's orders. *KMC Comments,* p. 3. WorldCom argues that its orders were erroneously rejected because BellSouth representatives failed to recognize that they were a proper UNE-P transaction type and because a BellSouth representative did not add the product code to the order during manual processing. *Lichtenberg Affidavit,* ¶8. WorldCom also contends that BellSouth has improperly implemented local PIC freezes, thereby causing four WorldCom orders to be rejected. *Lichtenberg Affidavit,* ¶ 18. In addition, AT&T asserts

that BellSouth does not provide consistent or complete business rules for USOCs, which allegedly causes erroneous order rejections. *Seigler Affidavit,* ¶26.

Several CLECs express concern regarding manual processing and the alleged lack of flow through by BellSouth. AT&T complains that BellSouth's retail operations can submit electronic orders for all products, services, and transactions, but CLECs must use manual processing for certain orders. *Bradbury Affidavit,* ¶¶ 42-45. According to AT&T, manual processing for CLEC LSRs takes on average 18 hours versus the electronic processing used by BellSouth, which takes less than 15 minutes. *Bradbury Affidavit,* ¶¶ 47 and 55. AT&T also asserts that CLECs are constrained because fall out rates are high (25%), especially when CLECs submit LSRs for LNP and business resale, even though, according to AT&T, BellSouth can submit electronic LSRs that can flow through up to 100% of the time. *Bradbury Affidavit,* ¶¶ 50-53. Similarly, Cbeyond argues that BellSouth retail can order special access electronically via an ASR, but BellSouth requires CLECs to order DS-1 UNEs manually. Cbeyond Comments, pp. 17-18. Covad asserts that BellSouth, unlike other ILECs, does not permit electronic ordering of IDSL/UDC loops. *Davis Affidavit,* ¶ 15. AT&T states that BellSouth is not providing electronic ordering capability for line splitting, in alleged violation of this Commission's orders. *Turner Affidavit,* ¶ 23.

CLECs also express concern that manual processing increases errors. Birch Comments, pp. 10-11. AT&T also states that electronic LSRs that do not flow-through face the risk of input errors in manual processing and that electronic LSRs that fall out for manual processing are delayed and have later due dates. *Bradbury Affidavit,* ¶¶ 48 and 50. In particular, AT&T argues that manual fall-out rates impact the receipt of FOC

notices, rejection notices, and jeopardy notices. *Bradbury Affidavit,* ¶¶ 68-74. WorldCom contends that extensive manual processing by BellSouth poses potential problems for increased WorldCom order volumes. *Lichtenberg Affidavit,* ¶ 7.

(iii)   Provisioning Functions

Access Integrated, Birch, AT&T, BroadRiver, Cbeyond, and NewSouth all complain about BellSouth's provisioning. Access Integrated insists that BellSouth engages in discriminatory conduct with regard to installation, provisioning, and maintenance and repair performance and argues that BellSouth will continue to do so as long as its retail and wholesale operations are inextricably connected. *Access Integrated Comments,* Sec. II, Conclusion, Exs. A, B. Birch argues that BellSouth is inappropriately coding missed due dates on LSRs as end user reasons when in fact BellSouth was unable to provision the service by the due date, which, according to Birch, skews BellSouth's performance data. *Birch Comments,* p. 12.

AT&T alleges that BellSouth delays in processing customer changes to AT&T Broadband and that AT&T has received completion notices for work not done. *Gibbs Affidavit,* ¶¶ 55-56; *Beck Affidavit,* ¶¶ 3, 6-17 and 29. BroadRiver claims that BellSouth provisions special access DS-1 circuits more quickly to itself than it provisions DS-1 UNE or EELs combinations to CLECs. *BroadRiver Comments,* pp. 6-7. In addition, Cbeyond argues that BellSouth violates its interconnection agreement by providing 2-wire HDSL circuits instead of the 4-wire DS-1 loops ordered by Cbeyond. *Cbeyond Comments,* pp. 20-21.

(iv)   Maintenance and Repair Functions

AT&T states that it is impossible to find the proper group to repair out-of-service conditions. *Seigler Affidavit,* ¶ 15. In addition, AT&T states that BellSouth has failed to address the FCC's concerns about BellSouth's maintenance and repair functions provided via TAFI and ECTA. According to AT&T, BellSouth essentially provides CLECs with a Hobson's choice for maintenance and repair: TAFI which is effective but not efficient, or ECTA which is efficient but not effective. *Bradbury Affidavit,* ¶¶ 85 and 92-94.

(v) Billing Functions

AT&T and DeltaCom were the only CLECs to raise an issue regarding BellSouth's billing. AT&T questions alleged instances of duplicate billing after customers have left BellSouth and complains about BellSouth's procedures for establishing Billing Account Numbers ("BANS"), while DeltaCom insists that BellSouth has failed to disclose call flow record identification on the UNE-P. *Conquest Affidavit,* ¶ 6.

(b) Third-Party Test

AT&T levels numerous criticisms of the third-party test conducted by KCI in Georgia. AT&T complains about the scope and conduct of the test, alleging that KCI worked for BellSouth, and not the Commission, and accusing BellSouth of developing the Georgia OSS test plan, rather than KCI. *Norris (Evaluation of KPMG Test) Affidavit,* ¶¶37-38 and ¶103

According to AT&T, KCI's evaluation of the CCP cannot be accepted as a clean bill of health because essential BellSouth processes were not in place. *Bradbury Affidavit,* ¶¶ 132-136. AT&T also argues that KCI should not have concluded, based on its professional judgment, that BellSouth's change management procedures are adequate

because, according to AT&T, such procedures do not afford CLECs adequate input or notice. *Norris (Evaluation of KPMG Test) Affidavit,* ¶¶ 33-38. AT&T also states that KCI failed to interview CLECs and failed to review the adequacy of BellSouth's processes from a CLEC's point of view. *Norris (Evaluation of KPMG Test) Affidavit,* ¶¶ 41-43; *Bradbury Affidavit,* ¶136. AT&T complains that the system tested by KCI handles fewer than 20% of CLEC order volume. *Gibbs Affidavit,* ¶ 12.

AT&T asserts that KCI should not have relied on certain BellSouth statements concerning OSS system performance in reaching its conclusions without verifying these statements. *Norris (Evaluation of KPMG Test) Affidavit,* ¶¶ 39-40. In addition, AT&T claims that KCI's report provides no evidence regarding the timeliness or accuracy of BellSouth's responses to orders at the disaggregated service levels ordered by the Commission. *Norris (Evaluation of KPMG Test) Affidavit,* ¶¶ 45-50. AT&T also criticizes KCI's inclusion of rejection data on pre-ordering tests that, according to AT&T, masked the actual time of performance of BellSouth's systems. *Norris (Evaluation of KPMG Test) Affidavit* ¶ 51. AT&T disputes the results of the objective Pre-ordering and Ordering and Provisioning tests because of KCI's use of statistical methodology to evaluate the test results. *Norris (Evaluation of KPMG Test) Affidavit,* ¶21.

AT&T claims that BellSouth failed to satisfy 20 of KCI's tests, each of which AT&T insists is critical to ensuring that CLECs can compete in Georgia. *Norris (Evaluation of KPMG Test) Affidavit,* ¶ 60. AT&T also contends that KCI's test did not include all areas of testing that have been included in other states. *Norris (Evaluation of KPMG Test) Affidavit,* ¶67. AT&T expresses concern that KCI did not measure

BellSouth's parity of performance in providing service to CLECs compared to the service BellSouth provides to itself and its affiliates and that KCI failed to evaluate the adequacy of certain aspects of BellSouth's OSS interfaces. *Norris (Evaluation of KPMG Test) Affidavit* ¶¶ 68 & 72. In particular, AT&T claims that KCI evaluated only six UNEs for ordering, provisioning, and billing activities and did not include digital UNEs, EELs, customized routing of Operator Services and Directory Assistance, and line-sharing. *Norris (Evaluation of KPMG Test) Affidavit,* ¶ 75.

AT&T argues that KCI failed to test adequately certain performance measures. AT&T states that KCI failed to test BellSouth's manual support systems, *Norris (Evaluation of KPMG Test) Affidavit,* ¶¶ 79-81, and that KCI's testing did not include any metrics evaluations for LNP activities, which were deficiencies identified in Florida. *Norris (Evaluation of KPMG Test) Affidavit,* ¶¶ 83-84. AT&T claims that KCI's OSS testing failed to measure adequately how well BellSouth provides information to CLECs regarding network outages, which was a deficiency identified in Florida. *Norris (Evaluation of KPMG Test) Affidavit,* ¶87.

AT&T raises a number of issues regarding the ongoing OSS testing in Florida. First, AT&T states that the testing of BellSouth's OSS in Florida has produced 41 exceptions and 23 observations in areas excluded from the Georgia third-party test. *Norris (Evaluation of KPMG Test) Affidavit,* ¶ 82. Second, AT&T argues that the Florida testing has shown that BellSouth has deficient relationship management practices with CLECs. *Norris (Evaluation of KPMG Test) Affidavit,* ¶ 89. Third, AT&T contends that the Florida test identified nine other observations and eight other exclusions in areas in which the Georgia test did not show deficiencies, *Norris (Evaluation of KPMG Test)*

Affidavit, ¶93, and that the Florida test identified some of the same deficiencies KCI identified – and apparently resolved – in the Georgia OSS test. *Norris (Evaluation of KPMG Test) Affidavit,* ¶ 97.

Sprint also criticizes the KCI tests. First, Sprint claims BellSouth cannot rely on the third-party test because KCI conducted volume testing in an artificial test environment, which is a criticism also leveled by AT&T and other CLECs. Sprint Comments, pp. 6-7. Second, Sprint states that the Commission cannot determine whether BellSouth has satisfied its obligations under Section 271 of the Telecommunications Act of 1996 without completion of the KCI audit and without additional performance data. Sprint Comments, pp. 3-4.

AT&T argues that the Georgia 1000 Test that it conducted was more accurate and useful than the Georgia third-party test because its test is a more accurate reflection of the real-world environment. *Gibbs Affidavit,* ¶14. AT&T states that the multiple phases required in the Georgia 1000 Test were caused by BellSouth. *Gibbs Affidavit,* ¶¶ 16-17. According to AT&T, BellSouth's performance was inadequate during the test and BellSouth missed almost every performance benchmark established for the testing. *Gibbs Affidavit,* ¶¶ 33-34.

(c) Change Management

AT&T, Covad, and other CLECs raise several issues regarding the CCP. AT&T argues that BellSouth exercises veto power over the CCP, overrides CLEC priorities, and does not respond to CLEC requests. AT&T also alleges that BellSouth does not have a "go/no go" decision point prior to the implementation of new software releases, in

addition to other specific complaints. *Bradbury Affidavit,* ¶¶ 97-100, 102-108, 111, 114, 116, 120-131 and 151.

AT&T also contends that BellSouth has failed to address 14 issues submitted by AT&T through the CCP since August 1999 and that overall, there are a total of 45 unaddressed changes pending. *Bradbury Affidavit,* ¶114. AT&T argues that BellSouth refused to consider AT&T suggested changes to the CCP at the monthly status meetings and instead conducted separate meetings on these issues. *Bradbury Affidavit,* ¶ 108. AT&T also complains that BellSouth fails to provide draft/final requirement changes to its OSS interfaces to CLECs in a timely fashion, that BellSouth's CLEC Application Verification Environment (CAVE) itself remains untested, and that CAVE has never been used in pre-release testing and has only been beta tested by one user. *Bradbury Affidavit,* ¶¶ 116 and 120. Finally, AT&T states that BellSouth does not use the CCP for development of new interfaces and thus new interfaces do not meet CLEC needs. *Bradbury Affidavit,* ¶ 109.

(d)   Performance Measures and Data Integrity

AT&T asserts that BellSouth's performance data are inaccurate and that BellSouth does not make raw data available to CLECs. *Bursh Affidavit,* ¶¶ 18-20; *Norris (GA SQM) Affidavit,* ¶¶ 38-40. Similar claims were raised by Covad. According to AT&T, BellSouth's SQM reports and PMAP are missing significant amounts of data, including 450 LSRs. *Norris (GA SQM) Affidavit,* ¶ 43. AT&T asserts that it cannot reconcile the November 2000 UNE-P data with data in the PMAP. *Norris (GA SQM) Affidavit,* ¶16. AT&T also states that AT&T and BellSouth conducted a UNE-Port Loop Combination Test which revealed numerous problems in BellSouth's PMAP and that

BellSouth refused to discuss the problems or to conduct a root cause analysis. *Norris (GA SQM) Affidavit,* ¶¶ 19-21.

AT&T also claims that BellSouth incorrectly states that the benchmark for partial mechanized FOCs is 36 hours (*Berger Affidavit,* ¶ 21), that BellSouth unilaterally changed business rules in the SQM filed in Georgia (*Berger Affidavit,* ¶ 23), and that BellSouth's performance measures are incorrect because they do not measure the entire pre-ordering time, including the TAG or LENS processing time. *Bradbury Affidavit,* ¶ 34. AT&T also complains that, without notice or authorization, BellSouth modified various measures in its April 2001 SQM ordered by the Commission in its Performance Measurement Plan (adopting BellSouth's May 2000 SQM) to be incorporated into BellSouth's future SQMs (*Bursh Affidavit,* ¶¶ 5-10), that BellSouth failed to comply with specific Commission directives relating to certain performance measures (*Bursh Affidavit,* ¶¶ 14-15), that BellSouth did not disaggregate the results of its performance report for March 2001 for several measures to the level ordered by the Commission (*Bursh Affidavit,* ¶¶ 15-17), and that BellSouth has not submitted any reports on certain of the measures ordered by the Commission. *Bursh Affidavit* ¶¶ 17-18.

Birch asserts that BellSouth corrects service order errors by issuing new service orders and that these are not captured under the current SQM and thus BellSouth's performance is inflated. *Birch Comments,* p. 13. In addition, Birch argues that instances of no dial tone at conversion are not reported because the LCSC has no access to trouble reporting so these instances of loss of dial tones are not included in the SQM. *Birch Comments,* pp. 14-15. Cbeyond claims that BellSouth has no established measures or benchmarks for DS-1 UNE Combinations, DS-1 interoffice channels, or DS-1 local

channels (*Cbeyond Comments*, p. 7), and that BellSouth provisioning intervals for DS-1 UNE combinations (EELs) DS-1 local channels and DS-1 UNE interoffice channels are provided in longer intervals than the BellSouth retail equivalent, special access. *Cbeyond Comments*, pp. 13-16.

(e)   UNE Combinations

AT&T, Birch, NewSouth, and WorldCom claim that numerous end-user customers experienced a loss of dial tone during UNE-P conversions. *Birch Comments*, pp. 14-15; *NewSouth Comments*, pp. 17-18; *Fury Affidavit*, ¶ 44; *Seigler Affidavit*, ¶¶ 11-13. These CLECs attribute the loss of dial tone condition to the process used by BellSouth when a customer is converted to the UNE-P. *Seigler Affidavit*, ¶14.

(f)   UNE Pricing

WorldCom makes a number of allegations regarding BellSouth's pricing. First, WorldCom challenges the cost-based nature of BellSouth's deaveraged UNEs and asserts that the Commission has not yet established cost-based rates for various unbundled network elements. *WorldCom Comments*, Item #2, at 8-a. BellSouth's deaveraged UNEs were established by an industry stipulation that was sponsored by, among other parties, Worldcom and that was approved by the Commission in Docket Nos. 7061-U and 10692-U on April 4, 2000. WorldCom also asserts that BellSouth's prices are not based on the FCC's "scorched node" model, but rather on BellSouth's loop model, which, according to WorldCom, is not based on most efficient network design as required by the FCC's pricing rules. *WorldCom Comments*, Item #2, at 6.

WorldCom and SECCA complain that BellSouth's rates for access to Daily Usage File information (e.g.,. ADUF and ODUF) are too high and need to be updated.

WorldCom Comments, p. 6, *Gillan Affidavit,* ¶¶ 28-31. WorldCom asserts that the Commission should conduct a cost study of the nonrecurring costs for new UNE combinations because only an interim rate has been established. WorldCom also states that the Commission should revise the rate development for BellSouth analog loop/port combinations so that it is based on more forward-looking fallout rates. *WorldCom Comments*, pp. 7-8.

(4) Discussion

(a) Nondiscriminatory Access to OSS

There can be little doubt that nondiscriminatory access to OSS is one of the most critical prerequisites to competition in the local exchange market, and this Commission has been actively engaged for almost six years in shaping the development of the interfaces BellSouth offers to provide CLECs with access to its OSS. The Commission first addressed BellSouth's OSS in Docket No. 6352-U and held numerous technical workshops and hearings on these systems in Docket No. 8354-U, which ultimately led to the third-party test of BellSouth's OSS conducted by KCI under the Commission's direction.

Based on the evidence in the record as well as the monthly performance data reported by BellSouth, the Commission finds that BellSouth is providing nondiscriminatory access to its OSS. The Commission concludes that BellSouth has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and has adequately assisted CLECs in understanding how to implement and use the OSS functions available to them. Furthermore, the Commission believes that the deployed OSS functions are operationally ready as a practical matter,

which is demonstrated by the actual commercial usage, carrier-to-carrier testing, as well as the independent third-party test conducted by KCI. *See SWBT/TX Order,* ¶¶ 96-98; *Bell Atlantic-NY Order,* ¶¶ 87-89.

With regard to the allegations by AT&T, Covad, DeltaCom, and Access Integrated questioning the stability of BellSouth's interfaces, the FCC consistently has stated that it will look at the totality of the circumstances in judging OSS performance. *See, e.g., SWBT-KS/OK Order,* ¶ 138; *Verizon-MA Order,* ¶ 65. While BellSouth acknowledges that LENS has experienced system outages, such outages appear to be short in duration and limited in scope. As BellSouth notes, the full outages and degraded or slow service outages of LENS in May 2001 represented less than one percent of total LENS availability time. The same is true for EDI, which experienced full outages and degraded or slow service outages in May 2001 that represented approximately one percent of total EDI availability time. *See Stacy OSS Reply Affidavit,* ¶¶ 192-209.

The Commission does not share AT&T's view that the outages experienced by EDI reflect a lack of sufficient capacity. Rather, it appears that the outages about which AT&T complains were the result of the migration to a new EDI translator after BellSouth was notified that its vendor would not support the former EDI translator. While outages occurred during the transition, it does not appear that such outages were related to capacity issues or "increasing demand" as AT&T has suggested. *See Stacy OSS Reply Affidavit,* ¶¶ 190-191.

The evidence contradicts Access Integrated's claims concerning outages with RoboTAG™. As BellSouth points out, the records submitted by Access Integrated

identify outages on certain days when, in actuality, the interfaces were fully functional on those days. *Stacy OSS Reply Affidavit,* ¶ 212.

Although AT&T argues that the answer times for CLECs are slower than the answer times for BellSouth's retail customers, BellSouth's performance data reflects that its answer time in the LCSC has improved.

AVERAGE SPEED OF ANSWER[10]

Mar-01				
Apr-01	118.91	6,771,691	95.63	37,691
May-01	121.54	7,152,910	49.77	43,526
Jun-01	134.12	6,948,605	65.30	33,796
Jul-01	199.33	6,834,494	59.15	44,292

The data reflects that the average speed of time has decreased from 148.27 seconds in March 2001 to approximately 60 seconds in July 2001. The answering time experienced by CLECs on April through July 2001 was significantly better than the answering time for BellSouth's retail customers.

The Commission is not convinced by Covad's claim that BellSouth has failed to provide sufficient information necessary for electronic ordering of xDSL loops through LENS. The Commission notes that such information is contained in numerous documents that BellSouth makes available to CLECs as well as through CLEC training courses, both on line and in person. *Stacy OSS Reply Affidavit,* ¶¶ 5-11. Covad argues that since KCI did not test LENS or the capabilities to order xDSL loops electronically,

the evidence does not support the conclusion that BellSouth has met its obligation to provide nondiscriminatory access to OSS. *Davis Affidavit, ¶¶ 6-14.* The Commission disagrees with Covad's position. As the FCC has noted, a BOC may rely upon carrier-to-carrier testing to establish that OSS functions are operationally ready. *SWBT-TX Order, ¶ 98; Bell Atlantic-New York Order, ¶ 89.* BellSouth conducted beta testing of its electronic xDSL ordering functionality with several CLECs, including Covad, and the Commission concludes that such testing is evidence of operational readiness.

(i)   Pre-Ordering Functions

The Commission finds that BellSouth provides nondiscriminatory access to pre-ordering functions. In particular, the Commission concludes that: (1) CLECs are able to use application-to-application interfaces to perform pre-ordering functions; (2) CLECs are able to integrate BellSouth's pre-ordering and ordering interfaces; (3) BellSouth's pre-ordering systems provide reasonably prompt response times; (4) BellSouth's pre-ordering systems are consistently available in a manner that affords CLECs an opportunity to compete; and, (5) BellSouth provides CLECs with nondiscriminatory access to pre-ordering functions to determine whether a loop is xDSL capable. *See SWBT-TX Order, ¶ 147; Bell Atlantic-New York Order, ¶ 128.*

In accordance with the FCC's requirements, the Commission finds that BellSouth provides CLECs with all the requirements necessary for integrating BellSouth's interfaces. *SWBT-TX Order, ¶ 152.* According to the FCC, a BOC has "enabled 'successful integration' if competing carriers may, or have been able to, automatically populate information supplied by the BOC's pre-ordering systems onto an order form ... that will not be rejected by the BOC's OSS systems." *SWBT-TX Order, ¶ 152.* Although

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[10] Docket No. 7892-U Performance Measures.

the FCC previously expressed concern about the ability of CLECs to integrate BellSouth's pre-ordering and ordering functions, *Second Louisiana Order*, ¶ 96, BellSouth had addressed this concern. In particular, CLECs may integrate ordering and pre-ordering functions by integrating the TAG pre-ordering interface with the EDI ordering interface, or by integrating TAG pre-ordering with TAG ordering. *Stacy-OSS Affidavit*, ¶ 10. BellSouth estimates that 6 CLECs have successfully integrated the TAG pre-ordering interface with the EDI interface and 43 CLECs have successfully integrated TAG pre-ordering with TAG ordering. *Stacy-OSS Affidavit*, ¶ 19.

With respect to AT&T's arguments concerning the parsing of CSRs, AT&T raised and the Commission resolved this issue in Docket No. 11853-U. Consistent with the Commission's Order in Docket No. 11853-U as well as its October 2, 2001 decision in Docket 6863-U, the parsing capability AT&T seeks will be implemented in January 2002. In the interim, the Commission concludes that the current access to CSRs offered by BellSouth, including what BellSouth provides to CLECs from a parsing standpoint, is nondiscriminatory.
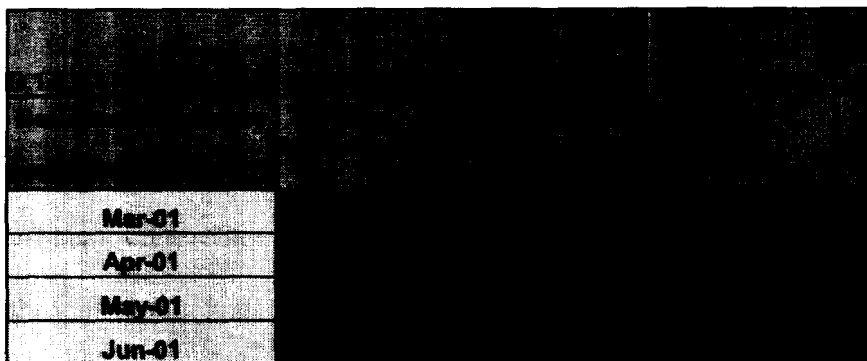
The Commission is not persuaded by AT&T's argument that BellSouth does not provide accurate due date calculations. Although AT&T correctly notes that the FCC found in its *Second Louisiana Order* that BellSouth's LENS interface did not have an automatic due date calculation, BellSouth subsequently made significant changes to its pre-ordering interfaces and has implemented an electronic due date calculator in LENS that allows CLECs to view an installation calendar and obtain an automatically-calculated estimated due date. Furthermore, while an estimated due date calculation would not be provided in the pre-ordering mode in certain situations when a LSR falls

out for manual handling, service requests that require manual handling are impacted the same with respect to due dates whether they originate from a BellSouth retail customer or a CLEC. *Stacy OSS Reply Affidavit* ¶¶ 53-58. Therefore, the Commission concludes that this does not result in discrimination.

Interface Response Times and Availability

The Commission finds that BellSouth has demonstrated that it provides requesting carriers access to its pre-ordering functionality in a manner that allows an efficient competitor a meaningful opportunity to compete. Performance data from March through June 2001 reflects that BellSouth systems consistently met the established benchmark for interface availability Metric for all pre-ordering interfaces.[11]
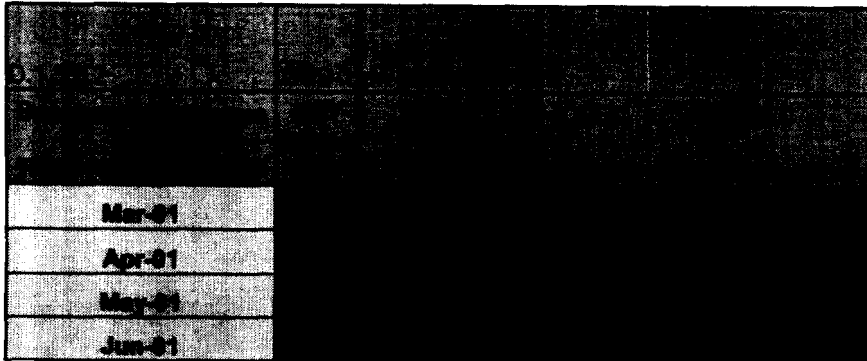
Additionally, BellSouth has consistently met the retail analogue for Average Response Interval except for D.1.3.5.1 and D.1.3.5.2, Average Response Interval – [CLEC (LENS)/ HAL/CRIS / (Region)], which AT&T points out in its comments.[12]

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[11] Docket No. 7892-U Performance Measures (D.1.1.1-D.1.1.8).
[12] Docket No. 7892-U Performance Measures.

The Commission agrees with AT&T that BellSouth's pre-ordering response time for HAL/CRIS access via LENS has been longer for CLECs than for BellSouth retail. However, the Commission concludes that this difference has not materially impacted the competitiveness of the Georgia local market. Furthermore, BellSouth implemented an upgrade to the CSR format in Release 9.4 on July 28, 2001, that BellSouth states will expedite the retrieval response time for CSRs. *Stacy OSS Reply Affidavit* ¶ 61. The Commission notes that in August 2001 the pre-ordering response time for access to CSRs via LENS was 1.41 seconds, compared to more than 3 seconds for BellSouth retail. The Commission will continue to monitor the average response interval for CSRs to ensure that BellSouth meets the Commission's benchmark and believes that the Tier II penalties for failure to meet this benchmark should provide adequate incentive for BellSouth to continue to improve its performance.

As it relates to the OSS Pre-ordering Response Interval for TAG, BellSouth has informed the Commission that the Time stamp for TAG has not yet been moved outside the firewall. Therefore, the Commission's parity test, which is retail +2 seconds, is working to BellSouth's benefit. The Commission concludes it is still acceptable to rely on the pre-ordering response data provided in this metric but 2 seconds must be backed out of the results.

The results for Average Response Interval-CLEC (TAG) reveal that by subtracting two seconds from BellSouth's retail performance results in at most a 2 second difference in pre-ordering response times for CLECs.[13] This difference does not adversely affect a competing carrier from obtaining pre-ordering information through the TAG interface. The Commission notes that BellSouth has moved the time stamp outside the firewall for August performance data.

The Commission does not agree with WorldCom that BellSouth has failed to provide adequate access to special access numbers ("SAN") to CLEC customers. BellSouth provides CLECs with four methods by which they can access the SAN numbers and that, to the extent WorldCom is not satisfied with these four options, it may submit a change request through the CCP, which WorldCom has done. *Stacy OSS Reply Affidavit,* ¶¶ 50-52.

Access to Loop Qualification Information

The Commission also finds that BellSouth provides pre-ordering Loop Make-Up ("LMU") information electronically through TAG and LENS, by which CLECs can access the information contained in the Loop Facility Assignment and Control System ("LFACS").

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[13] Docket No. 7892-U Performance Measures (D-1.4.1.1-D.1.4.9.2).

LOOP MAKEUP INQUIRY ELECTRONIC[14]

Mar-01	100.00%	1,945
Apr-01	100.00%	1,576
May-01	100.00%	879
Jun-01	100.00%	1,602

As the data shows, from March through June 2001, BellSouth completed 100% of the electronic inquiries by CLECs for LMU information within 5 minutes. In the Commission's, January 12, 2001 Order in Docket No. 7892-U, the Commission increased the benchmark to 95% returned within 1 minute, which took effect in August 2001. In August 2001, BellSouth met this increased benchmark as well.

BellSouth's performance in providing LMU information manually also has satisfied the Commission's standards. In May, June, and July 2001, BellSouth returned 100% of manual requests for LMU information within three business days, which exceeded the benchmark of 95% returned within three business days.[15] Although BellSouth did not meet this benchmark in either March or April 2001, these appear to be isolated incidents, particularly when viewed in comparison to BellSouth's more recent performance.

(ii)   Ordering Functions

The Commission finds that BellSouth provides nondiscriminatory access to OSS ordering functions. In particular, the Commission concludes that BellSouth has

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[14] Docket No. 7892-U Performance Measures.
[15] Docket No. 7892-U Performance Measure; F.2.1.1.